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17 Attorneys for Plaintiffs

18 **UNITED STATES DISTRICT COURT**
19 **NORTHERN DISTRICT OF CALIFORNIA**
20 **SAN FRANCISCO DIVISION**

22 MARGITA GERGELOVA and VIKTOR
23 GERGEL, individually, as successors-in-interest to
ARNOLD GERGEL, deceased, and as co-Personal
24 Representatives of the Estate of ARNOLD
GERGEL; ALIA FAROUKH, individually, as
legal guardian for KARIM WARDE KHALIFEH
25 and MOHAMAD ALI KHALIFEH, as successor-
in-interest to HUSSEIN MOUNIR KHALIFEH,
deceased and as Personal Representative of the
26 Estate of HUSSEIN MOUNIR KHALIFEH;
CAMILLE LACOME, individually, as legal
guardian for ZOURI SALEMKOUR LACOME, as

27 CASE NO. 09-CV-05020-SI

28 [Assigned to Hon. Susan Y. Illston]

STIPULATION AND [PROPOSED]
ORDER REGARDING STAY OF
PENDING MOTIONS TO DISMISS

1 successor-in-interest to SAMIR SALEMKOUR,
2 deceased and as Personal Representative of the
3 Estate of SALEMKOUR LACOME; MATTHIEU
4 ARRONDO, individually, as successor-in-interest
5 to CATHERINE ARRONDO TAKVORIA,
6 deceased, and as Personal Representative of the
7 Estate of CATHERINE ARRONDO TAKVORIA;
8 CHANTAL KOEHLER, individually, as
9 successor-in-interest to AUDREY QUESADA,
deceased, SANA ZERELLI, deceased, and
JASSIM ZERELLI, deceased, and as Personal
Representative of the Estates of AUDREY
QUESADA, SANA ZERELLI, AND JASSIM
ZERELLI; and GUY WARRIOR, individually, as
successor-in-interest to NEIL WARRIOR,
deceased, and as Personal Representative of the
Estate of NEIL WARRIOR,

10 Plaintiffs,

11 vs.

12 AIRBUS S.A.S.; HONEYWELL
13 INTERNATIONAL; THALES GROUP; THALES
U.S.A., INC.; MOTOROLA, INC.; INTEL CO.;
14 ROCKWELL COLLINS CO.; HAMILTON
SUNDSTRAND CORP.; GENERAL ELECTRIC
CO.; GE AVIATION SYSTEMS, LLC;
15 ROSEMOUNT AEROSPACE INC.; DUPONT
CO.; and RAYCHEM CO.,

16 Defendants.

18
19 Pursuant to Civil Local Rules 6-2 and 7-12, Defendants Motorola, Inc., E. I. du Pont de
20 Nemours and Company and Raychem Corporation (collectively, "Moving Defendants") and all
21 Plaintiffs, by and through their respective counsel of record, HEREBY STIPULATE AS
22 FOLLOWS:

23 1. WHEREAS, all defendants have filed with the Judicial Panel on Multidistrict
24 Litigation (the "Panel") a Joint Motion for Coordinated or Consolidated Pre-Trial Proceedings
25 Pursuant to 28 U.S.C. § 1407 (the "Motion"), seeking to consolidate this case with two other
26 actions also arising from the crash of Air France Flight 447, and the Panel has scheduled a
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hearing on the Motion for March 25, 2010. A true and correct copy of the Panel's hearing order is attached hereto as Exhibit A.

2. WHEREAS, Moving Defendants also have filed motions to dismiss Plaintiffs' complaint, and this Court has scheduled a hearing on those motions for March 12, 2010 (Dkt. 87).

3. WHEREAS, Moving Defendants and Plaintiffs seek to conserve judicial resources and will not suffer prejudice from delaying a ruling on Moving Defendants' motions to dismiss until the Panel resolves Defendants' Motion.

4. WHEREAS, a stay pending the Panel's resolution of Moving Defendants' Motion is supported by case law. *See, e.g., Rivers v. Walt Disney Co.*, 980 F. Supp. 1358, 1360-61 (C.D. Cal. 1997) (holding that stay was warranted, pending resolution by the Panel of a motion to transfer and consolidate, because such a stay would conserve judicial resources and would not prejudice the parties); *Palmer v. Am. Honda Motor Co.*, No. CV 07-1904-PHX-DGC, 2008 WL 54914, at *1 (D. Ariz. Jan. 3, 2008) (same).

NOW, THEREFORE, MOVING DEFENDANTS AND PLAINTIFFS HEREBY
STIPULATE AS FOLLOWS:

This Court may order that the hearings on Moving Defendants' motions to dismiss are continued and taken off calendar until after the Panel's ruling on the Motion to the Panel, with new hearings to be rescheduled thereafter at the request of the Moving Defendants (if appropriate in light of the Panel's ruling) on a date and time convenient for this Court.

IT IS SO STIPULATED.

Dated: March 9, 2010

BOWLES & Verna LLP

By: _____ /s/ Michael P. Verna
Michael P. Verna

Attorneys for Plaintiffs

1 Dated: March 9, 2010

2
3 SCHNADER HARRISON SEGAL & LEWIS
4 LLP

5 By: /s/ Leo J. Murphy

6
7
8 Attorneys for Defendant
9
10 MOTOROLA, INC.

11 Dated: March 9, 2010

12 CROWELL & MORING LLP

13 By: /s/ Lisa J. Savitt

14
15 Attorneys for Defendant
16 E. I. DU PONT DE NEMOURS AND
17 COMPANY

18 Dated: March 9, 2010

19 MENDES & MOUNT LLP

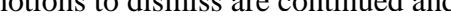
20 By: /s/ Jason L. Vincent

21
22 Attorneys for Defendant
23 RAYCHEM CORPORATION

24 Pursuant to General Order 45 Section X.B, each of the above signatories concurs in the
25 filing of this document.

[PROPOSED] ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED:

The hearings on Moving Defendants' motions to dismiss are continued and taken off calendar until after the Panel's ruling on the Motion to the Panel, with new hearings to be rescheduled thereafter at the request of the Defendants (if appropriate in light of the Panel's ruling) on a date and time convenient for this Court. 

DATED: _____, 2010

Honorable Susan Y. Illston
United States District Court Judge

Honorable Susan Y. Illston
United States District Court Judge

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